

## News Releases from Region 1

### EPA's New England Office Announces Strong Enforcement Results for 2003

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BOSTON - The US Environmental Protection Agency's New England Office today announced strong results in its enforcement program last year, including a record year in negotiating innovative environmental projects in settling enforcement cases.

For the second consecutive year, the amount paid by violators to settle enforcement cases was near an all-time high. In fact, fiscal years '02 and '03 are the two highest totals in the past 10 years. Violators paid more than \$12.24 million in the most recent fiscal year, including a record \$8.7 million spent on so-called Supplemental Environmental Projects (SEPs) that focused on such problems as skyrocketing asthma rates, diesel air pollution and loss of wetlands.

Among the projects funded: building a new garbage transfer station with stringent air quality controls in Boston's Roxbury neighborhood; providing hazardous materials training to fire departments in Connecticut; installing diesel particulate filters on all of Rhode Island's public transit buses; and restoring 54 acres of freshwater wetlands in southern Maine. The remaining \$3.55 million of settlement money was paid in civil penalties to the US Treasury.

The agency's regional office also carried out 700 inspections last year, a 33 percent increase from the previous year. One of the areas with an increased emphasis was compliance with federal lead paint disclosure laws. EPA staff carried out more than 100 inspections affecting more than 40,000 housing units to ensure that property owners and property managers were notifying tenants and prospective buyers of potential lead paint threats. Many of the inspections were done at the request of state environmental and public health agencies. Several significant enforcement actions were taken as a result of those inspections.

"Tough environmental enforcement is alive and well in New England," said Robert W. Varney, regional administrator of EPA's New England Office. "The EPA, together with the states, has shown that it will not hesitate to take aggressive action against companies, facilities and property owners that pollute the environment and jeopardize public health."

EPA and state environmental agencies are jointly responsible for the enforcement of environmental laws, and work closely together to ensure an effective enforcement presence in New England.

"I'm especially pleased that many of our cases are a result of close collaboration and coordination with the states," Varney added. "It's also gratifying that so many cases are leading to projects that are improving public health and environmental quality in the communities where the violations took place. These projects reflect a smart, strategic enforcement program that is achieving broader compliance and more environmental and public health benefits at less cost."

"We are also committed to using all the tools at our disposal to improve compliance with environmental requirements. This includes the use of compliance assistance to help ensure that small businesses and others understand how to comply with environmental laws and improve their environmental performance."

Among the highlights of EPA New England's enforcement and compliance assistance programs for the fiscal year ended Sept. 30:

**Strong overall enforcement:** EPA NE's overall enforcement presence remained strong in 2003. The agency's enforcement presence was enhanced by a 33 percent increase in inspections over the previous year. The region settled 29 judicial cases

in fiscal year 2003 – an all-time record. There were also 45 settlements of administrative penalty cases and 54 non-penalty compliance orders. Together, these cases required \$87 million in expenditures by violators to come into compliance, and will require the reduction, treatment, or proper management of 14.3 million pounds of pollution in New England.

**Focus on Urban Environmental Problems:** Much of EPA NE's enforcement activity is targeted on the region's urban areas where serious environmental problems affect larger populations. In addition to the record number of lead paint inspections which resulted in enforcement actions in Manchester, NH, Portland, Maine and Providence, RI, the agency focused major attention on pollution sources that contribute to the region's skyrocketing asthma rates. In addition to continuing inspections to curb excessive idling by diesel buses, the agency negotiated a SEP with the Rhode Island Public Transit Authority that requires the transit agency to install diesel particulate filters on all 156 of its diesel buses. The agreement also requires RIPTA to operate the buses with ultra-low sulfur fuel. The changes in the bus fleet will reduce air pollutant emissions by 90 percent.

**Supplemental Environmental Projects:** EPA NE has been a national leader in the use of SEPs, which make environmental improvements in areas where violations occurred. With only 6 percent of the agency's regional enforcement staff, EPA's New England office produced \$8.7 million of projects – or 19 percent of total SEP value across the country. Among the largest of the 10 SEPs negotiated last year was an agreement by the owner/operator of the **Central Landfill** in Johnston, RI to spend more than \$5 million on air pollution control measures at the 190-acre **landfill**. The second largest SEP was an agreement by a Boston trash hauler, Allied Waste Systems, to spend \$2.3 million to build a new transfer station in Roxbury which will include state-of-the-art pollution controls that will substantially reduce dust, odors and volatile organic compounds.

**Using Enforcement to Pay for Superfund Cleanups:** Superfund enforcement actions jumped by 39 percent, reflecting the region's aggressive pursuit of site cleanups and recovery of costs associated with those cleanups. The region carried out 57 enforcement actions last year, compared to 41 the prior year. As a result of these actions, parties responsible for improper waste disposal pledged to perform cleanup work valued at \$21.1 million at 11 sites, including \$8 million in investigation work at the Nuclear Metals site in Concord, MA, \$3.5 million at the Oak Street site in Taunton, MA and \$2.1 million at the Picillo Farm in Coventry, RI where work was completed last year. EPA NE also received \$21.2 million in cash to help refund EPA for previous cleanup costs and future cleanup costs at 19 sites, including the Johns Manville site in Nashua, NH, the Re-Solve site in Dartmouth, MA and the Stamina Mills property in North Smithfield, RI.

**Compliance Assistance:** EPA New England also places a high priority on providing assistance to small businesses and others who need help understanding and complying with environmental requirements. Among other accomplishments last year, the region's assistance program held 319 workshops and 74 stakeholder meetings, reaching more than 25,000 New Englanders. The program also sent letters to 1,100 marine retailers and enlisted 111 retailers in a program aimed at encouraging the sale of low-pollution marine engines. Among participating retailers, more than 80 percent of the engines sold were the low-pollution engines. On the drinking water front, a series of workshops were held in Maine to help small drinking water systems come into compliance with new arsenic regulations. Similar workshops are planned for New Hampshire and Vermont. In addition, the region's assistance program has helped large companies such as Pratt and Whitney and NH Ball Bearings to train its many suppliers on environmental management and compliance, and has run workshops and responded to more than 800 requests for information on new stormwater management requirements.

**Achieving Compliance Through Self Audits:** Another major focus last year was using EPA's self audit policy to improve compliance in specific sectors – in particular, colleges and universities and municipal public works facilities. The audit policy is designed to encourage facilities to find and correct environmental problems themselves, so EPA can focus its limited enforcement resources elsewhere. Under EPA's audit policy, if a facility finds an environmental violation and immediately corrects it and discloses the violation to EPA, penalties can be reduced or eliminated. Last year the region had 115 disclosures of environmental problems that were found and fixed. More than 60 of the disclosures were at municipal facilities and college/university facilities. The agency also confirmed that thousands of corrective actions were taken at more than 200 municipal and college/university facilities last year.